

In paragraph 1, on page 2 of the Office Action, it was indicated that the original patent, or a statement as to loss or inaccessibility, must be received before the reissue application can be allowed. Upon indication that all subject matter within the application is allowable, Applicant will submit the original patent or necessary statement.

In paragraph 2, on page 2 of the Office Action, the reissue of oath/declaration filed with the application was indicated as defective because it failed to contained statements concerning identification of the specification and whether the inventor is a sole or a joint inventor. The objections are respectfully traversed. However, as Applicant is further amending the claims, a supplemental reissue declaration will be required at the close of prosecution. As such, Applicant will defer filing such a declaration until all remaining subject matter in the application is indicated as allowed.

As to the objections, the Declaration did clearly comply with 37 C.F.R. §1.63(a)(2) as it provided the only identification possible at the time it was filed. That is, it was directed to a reissue of U.S. Patent No. 5,914,575 issued June 22, 1999. Such clearly identifies the specification to which it applies. Further, there is no requirement in 37 C.F.R. §1.63(a)(4) that requires identifying the inventor as a sole or joint inventor. The sole requirement is that the oath or declaration must be made by all of the actual inventors. Such is the case in the instant application. Further, throughout the Declaration the singular pronoun "I" is used. Thus, there is no question that the Application is by a sole inventor.

If the Patent Office wishes to change the requirements of the Code of Federal Regulations, they must do so under the provisions of Title V of the U.S. Code, that is, the Administrative Procedures Act. In any case, the supplemental declaration will reflect the application number that has since been awarded to the reissue application and will maintain that there is a single or sole inventor of the invention.

In paragraph 3, on page 2 of the Office Action, claim 11 was objected to because of an informality. Claim 11 has been amended to correct the informality.

In paragraph 4, on page 2 of the Office Action, claims 1-6, 10, 12, 13, 15, 18, 20, 22 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki et al., U.S. Patent No. 5,287,772, (hereinafter "Aoki"), in view of Schmidt, U.S. Patent No. 5,558,588. The rejection is respectfully traversed.

Applicant's claims 1, 3, 5, 20, 22 and 23 have all been amended to indicate that among other features, the invention includes three shaft-type power input/output means having three shafts, including the output shaft and the rotating shaft, respectively linking the engine and the drive shaft, the three shaft-type input/output means inputting and outputting power to and from a residual one shaft, based on predetermined powers input to and output from any two shafts among the three shafts. Neither reference nor their combination suggests such.

Aoki is directed exclusively to an electric vehicle. The only power source found in Aoki is an electric motor 2 that is powered by a battery 1. The power applied to the motor 2 is controlled by a motor transmission control electronic control unit 6 which also receives an input from a brake electronic control unit 7. The power of the electric motor 2 is passed through a transmission 3 to a differential 4 (see Fig. 1; col. 3, lines 46-55). The fact that there is no other power source is confirmed by the discussion in col. 7, lines 1-8 that describes how the Aoki vehicle is set up to provide a steering feeling similar to that found in the usual vehicle having an internal combustion engine. Thus, the disclosure of Aoki is directed to trying to make an electric vehicle feel like a standard vehicle having an internal combustion engine during operation.

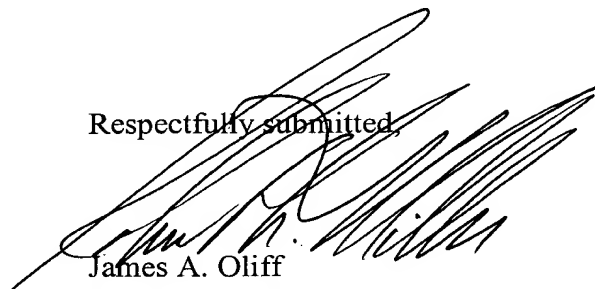
Schmidt, on the hand, is directed to a two-mode, input-split, parallel hybrid transmission disclosing a number of different configurations. In no case does he disclose the simple features described above as found in the rejected independent claims. In every case,

whether the device is with an engine and two motor generators or an engine and one motor generator, there is a complexity of shafts, sleeve shafts, transfer shafts, connecting shafts and planetary gear mechanisms that lead to an output shaft. Further, to obtain all the power transmission requirements, there are either brakes, clutches or a combination of brakes and clutches to provide the connectivity between the various shafts. In no case does Schmidt disclose a three shaft-type power input/output means having three shafts, including the output shaft and the rotating shaft respectively linking the engine and the drive shaft. As Aoki has no input shafts to the electric motor and only some sort of an output shaft connected to the transmission, which is linked to the differential, neither reference contains a suggestion of the claimed structure nor does their combination. Further, it is unclear why, or how, one would combine the two disclosures where one is directed solely to an electric vehicle and the other is directed to a hybrid vehicle.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6, 10, 12, 13, 15, 18, 20, 22 and 23 in addition to previously allowed claims 8, 9, 14, 17, 19, 21, 24 and 25 and allowable claims 7, 11 and 16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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